

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BNP PARIBAS,

Civil Action

Plaintiff,

-against-

No. 2:12-CV-04535-LS

CHURCHILL DEVELOPMENT GROUP LLC
and JOSEPH F. LOGUE, JR.,

Defendants.

REQUEST TO ENTER DEFAULT AGAINST
DEFENDANTS CHURCHILL DEVELOPMENT GROUP LLC AND JOSEPH F.
LOGUE, JR.

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Plaintiff BNP Paribas, by and through its undersigned counsel, K&L Gates LLP, hereby requests that the Clerk enter default against Defendants Churchill Development Group LLC and Joseph F. Logue, Jr. (“Defendants”). In support of this request, Plaintiff incorporates the Declaration of Andrew L. Swope, attached hereto as Exhibit 1, and states as follows:

1. BNP Paribas moves for the entry of default against Defendants for their failure to answer or otherwise respond to the Complaint filed on August 9, 2012. A copy of the docket in the above-captioned matter is attached hereto as Exhibit 2.
2. Plaintiff commenced this action on August 9, 2012, by filing the Complaint against Defendants.
3. On August 23, 2012, both Defendants were properly served with a copy of the Summons and Complaint by means of personal service on Defendant Joseph F. Logue, Jr., who is President of Defendant Churchill Development Group LLC. Copies of the Summonses and returns of service are attached hereto as Exhibit 3.

4. The time for Defendants to file an answer to the Complaint has expired because Defendants were required to respond on or before September 13, 2012, "within 21 days after being served with the summons and complaint." Fed. R. Civ. P. 12(a)(1)(A)(i).

5. To date, Defendants have not served an answer or any other responsive pleading to the Complaint and have never requested an extension of time to respond to the Complaint from either Plaintiff or the Court.

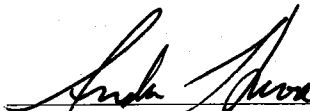
6. Rule 55(a) of the Federal Rules of Civil Procedure provides that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a).

7. Plaintiff is entitled to the entry of default against Defendants.

WHEREFORE, Plaintiff BNP Paribas respectfully requests that, in accordance with Rule 55(a) of the Federal Rules of Civil Procedure, the Clerk enter a default on Plaintiff's Complaint against Defendants Churchill Development Group LLC and Joseph F. Logue, Jr.

Dated: September 28, 2012

Respectfully submitted,

By: 
Andrew L. Swope
PA ID No. 55817
K&L GATES LLP
17 North Second Street, 18th Floor
Harrisburg, Pennsylvania 17101-1507
(717) 231-4500
Andrew.swope@klgates.com

Attorneys for Plaintiff BNP Paribas

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BNP PARIBAS,

Plaintiff,

-against-

CHURCHILL DEVELOPMENT GROUP LLC
and JOSEPH F. LOGUE, JR.,

Defendants.

Civil Action

No. 2:12-CV-04535-LS

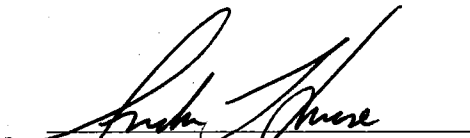
**DECLARATION OF ANDREW L. SWOPE IN SUPPORT OF
PLAINTIFF'S REQUEST TO ENTER DEFAULT AGAINST DEFENDANTS
CHURCHILL DEVELOPMENT GROUP LLC AND JOSEPH F. LOGUE, JR.**

I, Andrew L. Swope, hereby declare as follows:

1. I am over eighteen years of age, have personal knowledge of the matters set forth herein, and am competent to testify thereto.
2. I am an attorney with the law firm of K&L Gates LLP, am a member in good standing of the bar of the Commonwealth of Pennsylvania and represent Plaintiff BNP Paribas in the above-captioned matter.
3. Plaintiff filed the Complaint with this Court on August 9, 2012.
4. A copy of the Summons and Complaint was properly served on Defendants on August 23, 2012.
5. To date, Defendants have not served an answer or any other responsive pleading to the Complaint and have never requested an extension of time to respond to the Complaint.
6. Pursuant to Rule 12(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Defendants were required to serve an answer or otherwise plead to the Complaint on or before September 13, 2012.

7. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed September 28, 2012, in Harrisburg, Pennsylvania.



Andrew L. Swope

Exhibit 2

STANDARD

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:12-cv-04535-LS**

BNP PARIBAS v. CHURCHILL DEVELOPMENT GROUP
LLC et al

Assigned to: HONORABLE LAWRENCE F. STENGEL
Cause: 28:1332 Diversity-Other Contract

Date Filed: 08/09/2012

Jury Demand: None

Nature of Suit: 190 Contract: Other

Jurisdiction: Diversity

Plaintiff

BNP PARIBAS

represented by **ANDREW L. SWOPE**

K & L GATES LLP

17 NORTH SECOND ST., 18TH FL

HARRISBURG, PA 17101-1507

717-231-4500

Fax: 717-231-4501

Email: andrew.swope@klgates.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Defendant

**CHURCHILL DEVELOPMENT
GROUP LLC**

Defendant

JOSEPH F. LOGUE, JR.

Date Filed	#	Docket Text
08/09/2012	<u>1</u>	COMPLAINT against CHURCHILL DEVELOPMENT GROUP LLC, JOSEPH F. LOGUE, JR (Filing fee \$ 350 receipt number 067493.), filed by BNP PARIBAS. (Attachments: # <u>1</u> Case Management Track Form, # <u>2</u> Civil Cover Sheet, # <u>3</u> Designation Form)(jwl,) (Main Document 1 replaced on 8/10/2012) (jwl,). (Entered: 08/10/2012)
08/09/2012	<u>2</u>	Disclosure Statement Form pursuant to FRCP 7.1 by BNP PARIBAS.(jwl,) (Entered: 08/10/2012)
08/09/2012		Summons Issued as to CHURCHILL DEVELOPMENT GROUP LLC, JOSEPH F. LOGUE, JR. Two Forwarded To: Counsel on 8/10/12 (jwl,) (Entered: 08/10/2012)
08/29/2012	<u>3</u>	SUMMONS Returned Executed by BNP PARIBAS re: Nuno Veiga served Summons and Complaint upon CHURCHILL DEVELOPMENT GROUP LLC by personally serving Joseph F. Logue, Jr., President of Churchill Development Group LLC. CHURCHILL DEVELOPMENT GROUP LLC served on 8/23/2012, answer due 9/13/2012. (SWOPE, ANDREW) (Entered: 08/29/2012)
08/29/2012	<u>4</u>	SUMMONS Returned Executed by BNP PARIBAS re: Nuno Veiga served Summons and Complaint upon JOSEPH F. LOGUE, JR by personally serving Joseph F. Logue, Jr.. JOSEPH F. LOGUE, JR served on 8/23/2012, answer due 9/13/2012. (SWOPE, ANDREW) (Entered: 08/29/2012)

Exhibit 3

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

BNP PARIBAS

Plaintiff

v.

CHURCHILL DEVELOPMENT GROUP LLC and
JOSEPH F. LOGUE, JR.,

Defendant

Civil Action No. 12-4535

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* CHURCHILL DEVELOPMENT GROUP LLC
200 SOMERSET CORPORATE BOULEVARD
SUITE 1003
BRIDGEWATER, NEW JERSEY 08807

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Andrew L. Swope, Esq.
K&L Gates LLP
17 N. 2nd Street, 18th Floor
Harrisburg, PA 17101

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Michael E. Kunz
Clerk of Court

Date:

8/9/12

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 10/93) Summons in a Civil Action

RETURN OF SERVICE

SERVICE OF: **SUMMONS AND COMPLAINT, CIVIL COVER SHEET, NOTICE TO CONSENT TO EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE, CASE MANAGEMENT TRACK DESIGNATION FROM, EXHIBITS**
 EFFECTED (1) BY ME: **NUNO VEIGA**
 TITLE: **PROCESS SERVER** DATE: **08/23/2012 08:53PM**

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

☒ Served personally upon the defendant:

CHURCHILL DEVELOPMENT GROUP LLC

Place where served:

32 OLDE TOWN CT BERNARDSVILLE NJ

[] Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

JOSEPH F. LOGUE, JR.

Relationship to defendant: PRESIDENT

Description of person accepting service:

SEX: M AGE: 51-65 HEIGHT: 5'4"-5'8" WEIGHT: 161-200 LBS. SKIN: WHITE HAIR: GRAY OTHER: _____☒ To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

STATEMENT OF SERVER

TRAVEL \$ _____ SERVICES \$ _____ TOTAL \$ _____

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 8/24/2012

L.S.

SIGNATURE OF NUNO VEIGA
 GUARANTEED/SUBPOENA SERVICE, INC.
 2009 MORRIS AVENUE
 UNION, NJ 07083

ATTORNEY: ANDREW L. SWOPE, ESQ.
 PLAINTIFF: BNP PARIBAS
 DEFENDANT: CHURCHILL DEVELOPMENT GROUP LLC, ET AL
 VENUE: DISTRICT
 DOCKET: 12 CV 04535 LS

JB

EDDIE ACOSTA, JR.
 NOTARY PUBLIC OF NEW JERSEY
 My Commission Expires March 15, 2015

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Eddie Acosta, Jr.
 Aug 24, 2012

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

BNP PARIBAS

Plaintiff

v.

CHURCHILL DEVELOPMENT GROUP LLC and
JOSEPH F. LOGUE, JR.,

Defendant

Civil Action No. 12-4535

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* JOSEPH F. LOGUE, JR.
32 OLDE TOWN COURT
BERNARDSVILLE, NEW JERSEY 07924

A lawsuit has been filed against you.

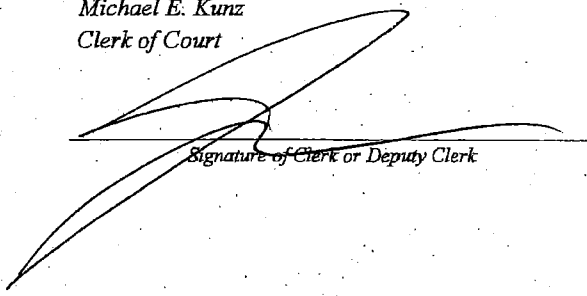
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Andrew L. Swope, Esq.
K&L Gates LLP
17 N. 2nd Street, 18th Floor
Harrisburg, PA 17101

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Michael E. Kunz
Clerk of Court

Date: 8/9/12


Signature of Clerk or Deputy Clerk

AO 440 (Rev. 10/93) Summons in a Civil Action

RETURN OF SERVICE

SERVICE OF: **SUMMONS AND COMPLAINT, CIVIL COVER SHEET, NOTICE TO CONSENT TO EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE, CASE MANAGEMENT TRACK DESIGNATION FROM, EXHIBITS**
 EFFECTED (1) BY ME: **NUNO VEIGA**
 TITLE: **PROCESS SERVER** DATE: **08/23/2012 08:50PM**

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

☒ Served personally upon the defendant:

JOSEPH F. LOGUE, JR.

Place where served:

32 OLDE TOWN COURT BERNARDSVILLE NJ 07924

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

JOSEPH F. LOGUE, JR.

Relationship to defendant: SELF

Description of person accepting service:

SEX: M AGE: 51-65 HEIGHT: 5'4"-5'8" WEIGHT: 161-200 LBS. SKIN: WHITE HAIR: GRAY OTHER:

☒ To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

STATEMENT OF SERVER

TRAVEL \$ SERVICES \$ TOTAL \$

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 8/24/2012

L.S.

SIGNATURE OF NUNO VEIGA
 GUARANTEED SUBPOENA SERVICE, INC.
 2009 MORRIS AVENUE
 UNION, NJ 07083

ATTORNEY: ANDREW L. SWOPE, ESQ.
 PLAINTIFF: BNP PARIBAS
 DEFENDANT: CHURCHILL DEVELOPMENT GROUP LLC, ET AL
 VENUE: DISTRICT
 DOCKET: 12 CV 04535 LS

JB

EDDIE ACOSTA, JR.
 NOTARY PUBLIC OF NEW JERSEY
 My Commission Expires March 15, 2015

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

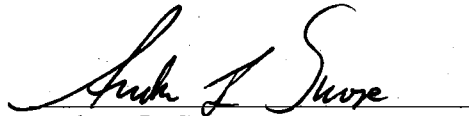
Aug 24, 2012

CERTIFICATE OF SERVICE

The undersigned certifies that, on September 28, 2012, a true and correct copy of the foregoing Request for Default was served via First Class Mail upon the following:

Churchill Development Group LLC
200 Somerset Corporate Boulevard, Suite 1003
Bridgewater, NJ 08807

Joseph F. Logue, Jr.
32 Olde Town Court
Bernardsville, NJ 07924

A handwritten signature in black ink, appearing to read "Andrew L. Swope", is written over a horizontal line.

Andrew L. Swope
PA ID No. 55817
K&L GATES LLP
17 North Second Street, 18th Floor
Harrisburg, Pennsylvania 17101-1507
(717) 231-4500
Andrew.swope@klgates.com

Attorneys for Plaintiff BNP Paribas